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EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 March 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-48</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-48</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

1.   Claims 1-48 are pending.

Response to Arguments

2.   Applicant's arguments, see, filed 3/04/08, with respect to Fay, Billingsey, Joshi,

Bonomi, Nakabayashi have been fully considered and are persuasive. The 101/112

and 102 Rejection of claims 1-48 has been withdrawn.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

        Claims 1-48 are rejected on the ground of nonstatutory double patenting over

claims 1-53 of U. S. Patent No. 7,200,683 ('683) since the claims, if allowed, would

improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the

patent and is covered by the patent since the patent and the application are claiming

common subject matter, as follows:

('683) 1. A method for providing user interfaces in a first network including first devices
interconnected via a communication medium and at least one interface device
connecting said first network to at least a second network providing services,
comprising the steps of: in one or more devices in the first network:
(a) obtaining information from one or more of said first devices currently connected to
the first network, said information including device information comprising graphical
user interface information (e.g.: buffer configuration information, buffer size) for user
interaction with that device (e.g.: interaction mode, chat service); and
(b) generating a graphical user interface description based on the graphical user
interface information, the graphical user interface description including:
(1) at least one reference associated with the device information of each of said one or
more first devices (e.g.: updateable markup information), and
(2) at least one reference associated with the services provided by the second network;
wherein the graphical user interface description allows displaying a graphical user
interface to a user for controlling the devices that are currently connected to the first
network and furnishing services of the second network, via the graphical user interface
(e.g.: load file via GUI or buffer and provide service or update data).

4.   A method for managing an ENAV buffer in an interactive apparatus for use in an
interactive mode, the method comprising:
        allocating at least a portion of the ENAV buffer to be an updateable markup area
provided for ENAV files on the basis of ENAV buffer configuration information;
        loading predetermined ENAV files to be buffered in the ENAV buffer in the
allocated updateable markup area.

Furthermore, there is no apparent reason why applicant was prevented from

presenting claims corresponding to those of the instant application during prosecution of

the application which matured into a patent. See also MPEP § 804.

Claim Rejections - 35 USC § 102

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by

Tsumagari et al [Tsumagari 2003/0161615 A1].

5.   As per claim 1, Tsumagari discloses A method for managing an ENAV buffer in

an interactive apparatus for use in an interactive mode [Tsumagari, ENAV and

interactive mode, 0165], the method comprising:

allocating at least a portion of the ENAV buffer to be an updateable markup area

provided for ENAV files on the basis of ENAV buffer configuration information

[Tsumagari, allocation ENAV content in memory, 0072-0073; ENAV displayed on a

portion, 0183; ENVA buffer, markup language, 0393];

loading predetermined ENAV files to be buffered in the ENAV buffer in the

allocated updateable markup area [Tsumagari, deliver the ENAV files in XHTML, 0381;

ENAV buffer with downloaded XHTML, 0421].

6.   As per claim 2, Tsumagari discloses the allocating comprises allocating the

updateable markup area according to memory size information included in the ENAV

buffer configuration information [Tsumagari, name, size, ENAV buffer, 0397].

7.   As per claim 3, Tsumagari discloses allocating the updateable markup area

according to memory names and sizes information included in the ENAV buffer

configuration information [Tsumagari, name, size, ENAV buffer, 0397].

8.   As per claim 4, Tsumagari discloses the allocating comprises reading the ENAV

buffer configuration information recorded in a loading information file, and the loading

comprises loading the corresponding ENAV file with reference to information for names

and locations of ENAV files recorded in the loading information file [Tsumagari, name,

location, ENAV buffer, 0397].

9.   As per claim 5, Tsumagari discloses the allocating comprises reading the ENAV

buffer configuration information recorded in a loading information file using a memory

element specifying whether one of the ENAV files is to be buffered in the updateable

markup area [Tsumagari, ENAV buffer, 0397].

10.   As per claim 6, Tsumagari discloses reading as the ENAV buffer configuration

information memory names and sizes recorded in a loading information file using an

attribute of a memory element of the loading information file [Tsumagari, name, size,

ENAV buffer, 0397].

11.   As per claim 7, Tsumagari discloses reading a predetermined loading information

file with reference to a startup file included in a directory in which the ENAV files are

stored; and reading the ENAV buffer configuration information recorded in the read

loading information file [Tsumagari, preloaded ENAV content, 0397].

12.   As per claim 8, Tsumagari discloses loading the ENAV files stored on a storage

medium into the updateable markup area with reference to names and locations

information of the ENAV files recorded in the loading information file [Tsumagari, name,

location, ENAV buffer, 0397].

13.   As per claim 9, Tsumagari discloses requesting from a server one of the ENAV

files on the basis of name and location information of the ENAV files recorded in the

loading information file and loading the one ENAV file provided from the server to the

interactive apparatus to be buffered in the updateable markup area [Tsumagari, a web server, 0371].

14.   As per claim 10, Tsumagari discloses the displaying an error message if no area of the ENAV buffer is allocated, and if the error message is not displayed, not loading the predetermined ENAV files to be buffered in the allocated updateable markup area [Tsumagari, error, 0361].

15.   As per claim 20, Tsumagari discloses A computer readable medium encoded with processing instructions for implementing the method of claim 1 performed by a computer [see rejection claim 1].

16.   As per claim 21, Tsumagari discloses reading the ENAV buffer configuration information file from a storage medium which stores audio and/or video (AV) data to be reproduced with the ENAV files by the interactive apparatus in the interactive mode [Tsumagari, playback, interactive, ENAV, 0167].

17.   As per claim 22, Tsumagari discloses detecting from the storage medium a memory element that indicates: a location of the ENAV file as being on another storage medium other than the storage medium from which the AV data is read, and a location of another ENAV file as being on the storage medium, wherein the loading further comprises loading one of the ENAV files determined to be an updateable markup file to be buffered into the allocated updateable markup area of the ENAV buffer, and loading the other one of the ENAV files determined not to be an updateable markup file into another portion of the ENAV buffer other than the updateable markup area and which is not allocated for the updateable markup file [see rejection claim 1].

18.   As per claim 23, Tsumagari discloses the another storage medium is in a server,

and the loading further comprises connecting to and retrieving from the server the

ENAV file to be loaded in the updateable markup area of the ENAV buffer [Tsumagari

server, 0371].

19.   As per claim 11, Tsumagari discloses A method of managing a buffer for a chat

service in an interactive device having an ENAV buffer [Tsumagari, ENAV and

interactive mode, 0165], the method comprising:

        allocating at least a portion of the ENAV buffer to be an updateable markup area

provided for ENAV files on the basis of ENAV buffer configuration [Tsumagari,

allocation ENAV content in memory, 0072-0073; ENAV displayed on a portion, 0183;

ENVA buffer, markup language, 0393]; and

        loading the ENAV files for the chat service (e.g.: audio, video interactive

application) in the allocated updateable markup area of the ENAV buffer [Tsumagari,

deliver the ENAV files in XHTML, 0381; ENAV buffer with downloaded XHTML, 0421].

20.   As per claim 24 Tsumagari discloses A method of managing a buffer of a

recording and/or reproducing apparatus which reproduces first data and interactive data

read from a storage medium in an interactive mode [Tsumagari, ENAV and interactive

mode, 0165], the method comprising:

        allocating the buffer to include an updateable markup area reserved for an

updateable type of interactive file and another area for another type of the interactive file

using the interactive data read from the storage medium [Tsumagari, allocation ENAV

content in memory, 0072-0073; ENVA buffer, markup language, 0393];

     prior to reproducing an interactive file with the first data in the interactive mode,

loading an interactive file in the updateable markup area if the interactive file is

determined to be the updateable type [Tsumagari, preload data, 0397], and loading the

interactive file in the another area if the interactive file is determined to be the another

[Tsumagari, ENAV interface handler change when the status is updated, 0432].

21.   Claims 12-19,25-48 contain the identical limitations set forth in claims 2-9.

Therefore claims 12-19,25-48 are rejected for the same rationale set forth in claims 2-9.

     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thong H Vu/
Primary Examiner, Art Unit 2619